



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/666,203

09/18/2003

Vinod Philip

2003P13549US

8293

7590

12/18/2007

EXAMINER

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

ART UNIT

PAPER NUMBER

DATE MAILED: 12/18/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/666,203

Applicant(s)

PHILIP, VINOD

Examiner

Kevin P. Kerns

Art Unit

1793

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 18 September 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Kevin P. Kerns *Kevin Kerns* 12/14/07
Primary Examiner
Art Unit: 1793

Continuation of 10. Other (including any explanation in support of the above items):

regarding section 4, the brief fails to identify, for each dependent claim argued separately, the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings by reference characters. In this instance, the appellant does not identify the "braze alloy particles" of claim 5 by a reference character in this dependent claim argued separately;

regarding section 6, the brief does not present an argument under a separate heading for each ground of rejection. In this instance, the appellant has combined arguments "C and D" under the same heading, although these are considered as separate grounds of rejection (see the two 35 USC 103(a) rejections on pages 3-5 of the final rejection mailed April 18, 2007, which set forth differences in the specified claims rejected, as well as differing grounds of rejection in terms of differing text between the two rejections); and

regarding section 10, the examiner notes that the appellant's last paragraph under argument "A" (see page 5 of the brief) incorrectly states that the "claim rejections under 35 USC 112, second paragraph, are improper". Instead, this should be changed to "35 USC 112, first paragraph", as there are no 35 USC 112, second paragraph rejections to be considered from the final rejection mailed April 18, 2007.

Kevin Kums 12/14/07